

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
924 CIVIL APPLICATION NO. 253 OF 2016
IN FAST/377/2016

BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD.
VERSUS
KALYANI SOMESH DESAI AND OTHERS

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Advocate for Applicant : Mr. Swapnil Dargad h/f Mr. S.G. Chapalgaonkar
Adv. for Respondent Nos. 1 to 4: Mr. G.V. Patil h/f Mr. Mukul Kulkarni
Adv. for respondent No.6 : Mr. L.C. Patil

CORAM : K.K. SONAWANE, J.
DATE : 30th November, 2017.

PER COURT:

1] Heard learned counsel for the applicant and respondent original claimant, as well as respondent No.6. Despite service of notice, none appears for respondent No.5.

2] Perused the application. There is a delay of 68 days for filing the first appeal against the impugned judgment passed by the Tribunal, imposing joint and several liability on original claimant.

3] In view of nature of subject matter and for the reasons mentioned in the application, there is no impediment to condone the delay. Accordingly, the application stands allowed in terms of prayer clause (B). Registry to take requisite steps for further process. On registration of appeal, issue notice to respondents. The learned counsel Shri Mukul Kulkarni waives notice for respondent Nos. 1 to 4 - original claimants. Shri L.C. Patil, Advocate waives notice for respondent No.6. In addition to regular mode of service, appellants to serve the notice privately to respondent No.5 and file affidavit of service with tangible proof on or before the returnable date.

4] Matter be listed on 17.1.2018 for further process.